

1 BURSOR & FISHER, P.A.
2 L. Timothy Fisher (State Bar No. 191626)
Sarah N. Westcot (State Bar No. 264916)
1990 North California Blvd., Suite 940
3 Walnut Creek, CA 94596
Telephone: (925) 300-4455
4 Facsimile: (925) 407-2700
E-Mail: ltfisher@bursor.com
swestcot@bursor.com

6 BURSOR & FISHER, P.A.
7 Scott A. Bursor (State Bar No. 276006)
369 Lexington Avenue, 10th Floor
New York, NY 10017
8 Telephone: (212) 989-9113
Facsimile: (212) 989-9163
9 E-Mail: scott@bursor.com

10 BRAMSON, PLUTZIK, MAHLER & BIRKHAEUSER, LLP
Alan R. Plutzik (State Bar No. 077785)
11 Michael S. Strimling (State Bar No. 96135)
2125 Oak Grove Road, Suite 120
12 Walnut Creek, CA 94598
Telephone: (925) 945-0200
13 Facsimile: (925) 945-8792
E-Mails: aplutzik@bramsonplutzik.com
mstrimling@bramsonplutzik.com

15 *Attorneys for Defendants Power
Ventures, Inc. and Steve Vachani*

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

19 FACEBOOK, INC.,

20 Plaintiff,

21 -against-

22 POWER VENTURES, INC. d/b/a POWER.COM, a
California corporation; POWER VENTURES, INC.
23 a Cayman Island Corporation, STEVE VACHANI,
an individual; DOE 1, d/b/a POWER.COM, an
individual and/or business entity of unknown nature;
24 DOES 2 through 25, inclusive, individuals and/or
business entities of unknown nature,

27 Defendants.

Case No. 5:08-CV-05780 JW (JCS)

**DECLARATION OF L. TIMOTHY
FISHER, PURSUANT TO CIVIL
L.R. 79-5(D), IN RESPONSE TO
ADMINISTRATIVE MOTIONS TO
FILE UNDER SEAL (DKT. NOS. 251
and 255)**

1 I, L. Timothy Fisher, declare:

2 1. I am an attorney with the law firm of Bursor & Fisher, P.A. and counsel for
3 Defendants Power Ventures, Inc. (“Power”) and Steve Vachani. I make this declaration in
4 response to the following motions filed by Facebook: (1) Facebook Inc.’s Motion for
5 Administrative Relief to File Under Seal, Pursuant to Civil Local Rule 79-5(d) (**Dkt. No. 251**), and
6 (2) Facebook’s Omnibus Motion for Administrative Relief to File Under Seal, Pursuant to Civil
7 Local Rule 79-5(d) (**Dkt. No. 255**). I have personal knowledge of the facts set forth in this
8 declaration and, if called as a witness, I could and would testify competently thereto.

9 2. I have reviewed the administrative motions to seal filed by Facebook and listed
10 above. Having reviewed those motions and the documents referenced therein, defendants request
11 that the Court seal the documents listed below.

12 **Transcript of the 30(b)(6) Deposition Transcript of Power Ventures, Inc.**

13 3. The Parties’ Joint Letter Regarding Power Ventures, Inc.’s Trial Witnesses and the
14 Parties’ Joint Letter Regarding Power Ventures, Inc. Employee Emails include portions of the
15 transcript of the January 9, 2012 Rule 30(b)(6) deposition of Defendant Steve Vachani, which has
16 been designated as Highly Confidential – Attorneys’ Eyes Only.

17 4. Certain portions of the Vachani deposition transcript include references to and
18 discussions of Mr. Vachani’s current business venture and its operation, finance and strategy. Such
19 matters are confidential and not for public disclosure. Disclosure of this information could
20 severely harm Mr. Vachani’s business.

21 5. The following pages of the Vachani deposition transcript cited in Facebook’s briefs
22 include references to Mr. Vachani’s highly confidential business venture: pages 186-197 and 293-
23 294. These pages of the Vachani deposition transcript are cited in Exhibit B to the Declaration of
24 Monte M.F. Cooper in support of the Parties’ Joint Letter Regarding Power Ventures, Inc.’s Trial
25 Witness and Exhibit B to the Declaration of L. Timothy Fisher Regarding January 26, 2012 Joint
26 Discovery Dispute Letters. Exhibit 207 to the Vachani deposition transcript also includes
27 extensive information related to Mr. Vachani’s highly confidential business venture and is included
28

as Exhibit H to the Declaration of Monte M.F. Cooper in support of the Parties' Joint Letter Regarding Power Ventures, Inc.'s Trial Witnesses.

6. Exhibit 221 to the Vachani deposition transcript includes extensive information related to technical details regarding Power's business operations and is included as Exhibit 8 to the Declaration of Monte M.F. Cooper in Support of Parties' Joint Letter Regarding Power Ventures, Inc.'s Production of Employee Emails. Disclosure of specific details regarding Power's operations could lead to irreparable harm to the company's business.

Defendants' Sealing Request

7. Defendants therefore respectfully request that the Court seal the following documents:

- Pages 186-197 and 293-294 of the transcript of the January 9, 2012 deposition of Steve Vachani, which is attached as Exhibit B to the Declaration of L. Timothy Fisher Regarding January 26, 2012 Joint Discovery Dispute Letters and a portion of which is attached as Exhibit B to the Declaration of Monte M.F. Cooper in support of the Parties' Joint Letter Regarding Power Ventures, Inc.'s Trial Witnesses.
 - Exhibit 207 to the transcript of the deposition of Steve Vachani, attached as Exhibit H to the Declaration of Monte M.F. Cooper in support of the Parties' Joint Letter Regarding Power Ventures, Inc.'s Trial Witnesses.
 - Exhibit 221 to the transcript of the deposition of Steve Vachani, attached as Exhibit 8 to the Declaration of Monte M.F. Cooper in Support of Parties' Joint Letter Regarding Power Ventures, Inc.'s Production of Employee Emails.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 3rd day of February, 2012, at Walnut Creek, California.

2. Try FC

L. Timothy Fisher